

The bill was read third time and passed finally by the following vote:

Yeas—20.

Bailey.	Price.
Berkeley.	Reid.
Bledsoe.	Russek.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Wirtz.
Lewis.	Witt.
Love.	Wood.
Miller.	Woodward.
Neal.	

Nays—5.

Floyd.	Moore.
Holbrook.	Pollard.
McFarlane.	

Absent.

Parr.	Ward.
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Absent—Excused.

Bowers.	Stuart.
Fairchild.	Westbrook.
Real.	

Adjournment.

On motion of Senator Bailey, the Senate, at 12:35 o'clock p. m., adjourned until 10 o'clock a. m., Thursday.

APPENDIX.

Petitions and Memorials.

Senator Love sent up a petition, numerously signed, urging the appropriation of \$50,000 for the school for delinquent negro girls.

Senator Love sent up a petition, numerously signed, urging the enactment of an amendment to the Dallas County road law.

Senator Westbrook sent up a petition, numerously signed, against the Civil Service Bill.

Mt. Enterprise, Texas,
May 17, 1927.

Miss Margie Neal,
Senator Second District,
Austin, Texas.

Dear Miss Neal:

Mt. Enterprise school board instructs me to write you and ask that you use your vote and influence to prevent cut in appropriation for public schools.

Very truly,

L. G. ROSS,
President School Board.

EIGHTH DAY.

Senate Chamber,

Austin, Texas, May 19, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.

Absent.

Russek.	Woodward.
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Absent—Excused.

Real.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hall.

Petitions and Memorials.

(See Appendix.)

Committee Report.

(See Appendix.)

Committee on McArdle Heirs.

Senator Bailey sent up the following special committee report from the committee appointed to investigate who were the McArdle heirs.

Committee Room,

Austin, Texas, May 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee appointed under Senate Simple Resolution No. 63, and instructed to ascertain who are the heirs, legatees or other legal representatives of the estate of H. A. McArdle, deceased, and in whom legal title to those paintings now hanging on the walls

of the Senate Chamber, and entitled "Dawn at the Alamo" and "The Battle of San Jacinto" is vested, and upon what terms said paintings can be purchased by the State, and to report to the Senate at this Called Session of the Legislature our actions in this behalf, beg leave to report now to the Senate that we have made such investigations, and are reliably informed and advised, and upon such information report to the Senate that H. A. McArdle, who painted said paintings died on February 16, 1908 intestate, and leaving the following as his heirs, and only heirs, to-wit:

Willett A. McArdle, 902 Summit Avenue, San Antonio, Texas.

Phil H. McArdle, 716 Erie Ave., San Antonio, Texas.

Marmaduke McArdle, 1142 Yale Street, Houston, Texas.

Mrs. Marie McArdle Bland, who, with her husband, Geo. Linn Bland, resides at 322 Main Avenue, Weston, W. Va.

Ruskin McArdle, 1026 Fifteenth Street, Northwest, Washington, D. C.

And upon such advice and information we further report to the Senate that there is not now pending, and never has been any administration upon the estate of the said H. A. McArdle, deceased, nor is there any necessity for such.

We are further advised, and so report to the Senate, by information received from the above mentioned heirs and legal representatives of the said H. A. McArdle, deceased, that they are willing to accept fifteen thousand (\$15,000.00) dollars for each of said paintings, aggregating thirty thousand (\$30,000.00) dollars for both of same, but that they are not willing to sell one of such paintings, as they are companion paintings, and to sell one separately would, in their opinion, interfere with the sale of the other, or diminish the price which could be obtained for the same.

Your committee would respectfully recommend to the Senate that this report, and the question of the purchase by the State of said paintings be referred to the Senate Committee on Finance at the present Called Session, with instructions to set a hearing upon such question by the Committee as soon as practicable, notifying all persons inter-

ested in the same, and to hear the evidence of any and all character which in their judgment might be pertinent as to the historical accuracy of such paintings, their historical interest to the people of Texas and their value, and to decide whether or not such paintings should be purchased by the present Legislature, and if so at what price, and if the Committee should decide that said paintings shall be purchased by the State, they shall place an item in the Senate Bill on Miscellaneous Appropriations to be by such Committee reported to the Senate, and whether or not such paintings shall be purchased during the fiscal year of 1928 or 1929, and of their actions in such behalf the said Finance Committee shall report to the Senate at the present Called Session of this Legislature.

BAILEY, Chairman.

The report was read and adopted and referred to Committee on Finance.

Bills and Resolutions.

Simple Resolution No. 15.

Senator Love sent up the following simple resolution:

Resolved, That Mr. F. W. Pain, of Davenport, Iowa, who is in Austin as the representative of a voting machine which is used in a number of states in both primary and general elections, is prepared to demonstrate the operation and use of such machine for the information of the Legislature, be permitted and requested to use the Senate Committee Room No. 6 for the purpose of such demonstration.

The resolution was read and adopted.

Senate Bill No. 6.

The Chair laid before the Senate, on the Calendar, the following bill:

S. B. No. 6, A bill to be entitled "An Act making an appropriation for the year beginning September 1, 1928, and ending August 31, 1929, to supplement the State's available school fund, and to be distributed in the same manner as that fund is distributed under the laws of this State; and declaring an emergency."

The bill was read second time.

Senator Wood made a statement (see printed in full in Appendix)

and moved to lay the bill upon the table subject to call.

The motion prevailed.

Senate Bill No. 7.

The Chair laid before the Senate, on the Calendar, the following bill:

S. B. No. 7, A bill to be entitled "An Act making an appropriation for the year ending August 31, 1928, and for the year ending August 31, 1929, the same or so much thereof as may be necessary to be for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all school children of scholastic age living in small and financially weak districts; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with conditions herein specified, providing certain prerequisites for the granting of such aid; providing for the maintenance of all rural schools which meet the requirements a term not exceeding six months solely out of State and county school funds; providing aid for schools where extraordinary conditions prevent schools meeting all stated requirements; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a countywide plan; providing for the administration of this fund by the State Department of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act, authorizing the use of not to exceed \$150,000.00 for each of said years, out of said appropriation for the purpose of paying free tuition of students as provided for in Chapter 181 of the General and Special Laws of the Fortieth Legislature, the same being House Bill No. 463; providing all things necessary and incidental to the purpose of this Act, whether mentioned in this caption in detail or not, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Price sent up the following amendment:

Amend Senate Bill No. 7, page 6

by adding to Section 8 the following paragraph:

Any consolidation effected during the biennium from September 1, 1925 to Sept. 1, 1927, under the provisions of Chapter 113, Senate Bill No. 408, General Laws of the State of Texas, passed by the Thirty-ninth Legislature at its Regular Session 1925, which has been denied the benefits of the bonus of \$1000.00 specified in said Act, upon proof of such consolidation shall receive said bonus out of the appropriation provided for in this Act.

The amendment was read and adopted.

Address by Hon. R. E. Thomason.

Senator Berkley introduced Hon R. E. Thomason, mayor of El Paso who briefly addressed the Senate.

Senate Bill No. 7.

Senator Fairchild moved that Senators send up their various amendments to be printed in the Journal and that this bill be made a special order for Tuesday morning after the morning call.

The following amendments were sent up to be printed in the Journal:

By Senator Witt:

Amend S. B. No. 7, page 2, of the printed bill by striking from lines 15 and 16 the words and figures "three hundred" and inserting in lieu thereof the words and figures "one hundred and fifty," and by striking from line 17 the words and figures "four hundred" and inserting in lieu thereof the words and figures "three hundred."

By Senators Floyd, Pollard:

Amend Senate Bill No. 7 by striking out the words and figures "\$1,500,000.00," wherever same appears in said Bill and add in lieu thereof the words and figures, "\$3,000,000.00."

By Senator Greer:

Amend S. B. No. 7, page 2, lines 8 and 9 by striking out the words and figures "one and one half million dollars (\$1,500,000.00) and insert in lieu thereof the words and figures, "one million six hundred fifty thousand dollars."

By Senators Moore, Greer:

Amend S. B. No. 7, page 4, by

striking out lines 30, 31 and 32, and lines 1 to 9 inclusive on page 5.

By Senator Moore:

Amend Senate Bill No. 7, page 7, by striking out Sec. 11 and inserting in lieu thereof, the following:

Sec. 11. Duties of the Members of the State Board of Education.—It shall be the duty of the Members of the State Board of Education, and they are hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as, in their opinion, may be necessary to carry out the provisions and intentions of this act and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the county superintendent of each county seeking aid under this Act to make a thorough investigation in person of the grounds, buildings, equipment, teaching force, and financial condition of each school applying for aid under the provisions of this Act, and aid shall not be granted unless it can be shown that all provisions of this Act and regulations made by the State Board of Education have been complied with, and that such amount of aid is actually needed.

By Senators Moore, Greer:

Amend Senate Bill No. 7, page 4, by striking out Sec. 4, and insert in lieu thereof the following:

Sec. 4. Trustees in making contract with teachers shall determine the salary to be paid. But the maximum salaries which may be paid out of State and county funds shall be according to the following schedule: In one-teacher schools, \$100.00 per month; in two-teacher schools, the principal \$110.00 per month, assistant \$90.00 per month; in three-teacher schools, the principal \$150.00 per month, each assistant \$90.00 per month; in four teacher schools the principal \$160.00 per month, primary teacher \$100.00 per month, other assistants \$90.00 per month; in five or six teacher schools, principal \$175.00 per month, primary teacher \$110.00, other assistants \$95.00 per month; in schools above six teachers, principal \$185.00 per month, primary teacher \$110.00 per month, other assistants \$90.00 per month; provided that the amount of salary paid to any teacher

out of State, county or State aid funds according to above schedule does not exceed the limit of salary allowed by the general law based on the certificate held by the said teacher.

By Senator Moore:

Amend S. B. No. 7, page 8, by inserting between lines 12 and 13, a new section, as follows:

"Section 14-a.—Out of the amount of money set aside out of this appropriation by the State Board of Education, to pay for administering this Act, the maximum salary to be paid any one employe shall not exceed \$200.00 per month."

By Senator Moore:

Amend S. B. No. 7, page 6, line 3, by striking out the word "Department," and substitute therefor the word "Board."

By Senator Moore:

Amend S. B. No. 7, page 5, line 18, by striking out the word "Department" and substitute therefor the word "Board."

By Senator Moore:

Amend S. B. No. 7, page 5, line 14, by striking out the figures "30" and insert in lieu thereof the figures "40" and by striking out the figures "10" and insert in lieu thereof the figures "20."

By Senator Moore:

Amend S. B. No. 7, page 5, line 13 by striking out the figures "25.00" and insert in lieu thereof the figures "\$35.00."

By Senator Moore:

Amend S. B. No. 7, page 3, by striking out subdivision 6, under Section 2.

By Senator Moore:

Amend S. B. No. 7, page 3, line 8, by striking out the words "seventy-five" and insert in lieu thereof the following: "fifty."

By Senator Moore:

Amend S. B. No. 7, page 3, line 1, and substituting therefor the following: "as are approved by the State Board of Education."

Message from the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following Executive Message:

Executive Department,
Austin, Texas, May 19, 1927.
To the Honorable Fortieth Legisla-
ture of the State of Texas.

Gentlemen: The attached bills
are submitted for your considera-
tion.

A bill to be entitled "An Act to
amend Article 3726 of the Revised
Civil Statutes of 1925, so as to pro-
vide for the introduction in evidence
of the originals or certified copies of
recorded instruments which have
been proved or acknowledged in ac-
cordance with law without proving
their execution; providing a rule for
construction of said Article, declar-
ing that this Act shall be divisible if
any part of same be held unconsti-
tutional; and declaring an emer-
gency."

A bill to be entitled "An Act regu-
lating the slaughter and sale of the
meat of animals for market and pro-
viding that every person engaged in
the occupation of a butcher or
slaughterer of cattle in this State,
shall file a bond to be approved by
the county judge of the county in
which he desires to carry on such
business; setting out the term of
said bond and providing penalties
for violation thereof; and repealing
Articles 6904 and 6908, Title 121,
Chapter 3 of the Revised Civil Stat-
utes of Texas of 1925; and repealing
Articles 1447, 1449 and 1450, Title
17, Chapter 11 of the Penal Code of
the State of Texas adopted in 1925,
and declaring an emergency."

A bill to be entitled "An Act to
provide for the eradication of scabies
among sheep and cattle, to provide
adequate quarantine and sanitary
measures, to provide for the inspec-
tion and dipping, and certification
of said livestock, and to provide ade-
quate penalties for violation of quar-
antine and dipping orders of the
Live Stock Sanitary Commission,
and declaring an emergency."

Respectfully submitted,

DAN MOODY, Governor.

Recess.

The Senate at 12:00 noon on the
motion of Senator McFarlane re-
cessed until this afternoon at 2:00
p. m.

After Recess.

The Senate was called to order at
2:00 p. m. pursuant to recess by
Lieutenant Governor Barry Miller.

Senate Bill No. 10.

On the motion of Senator Wood,
Senate Bill No. 10 was made a spec-
ial order for Monday morning after
the morning call.

Senate Bill No. 14.

The Chair laid before the Senate,
on the Calendar, the following bill:

S. B. No. 14, A bill to be entitled
"An Act amending Section 3a of
Chapter 274 of the General Laws of
the Regular Session of the Fortieth
Legislature, so as to insert therein
a saving clause in reference to of-
fenses committed before this act
takes effect so that Section 3a as
amended shall read as follows:

"Section 3-a. In all cases tried
under the provisions of this Act, it
shall be the duty of the court to de-
fine "malice aforethought" and shall
apply that term by appropriate
charges to the facts in the case and
shall instruct the jury that unless
from all the facts and circumstances
in evidence the jury believes the de-
fendant was prompted and acted
with his malice aforethought, they
cannot assess the punishment at
a period longer than five years;
provided, however, that no offense
committed prior to the taking effect
of this act, shall be affected hereby,
whether an indictment has been re-
turned or not, but in every such
case the offender may be proceeded
against and punished under the law
as it existed prior to the taking effect
of this act, the same as if this act
had not been passed, and declaring
an emergency."

The bill was read second time
and passed to engrossment.

On motion of Senator Woodward,
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 14 put on
its third reading and final passage,
by the following vote:

Yeas—20.

Berkeley.	Price.
Fairchild.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Wood.
Parr.	Woodward.

Nays—1.

Bailey.

Absent.

Bledsoe.	Neal.
Floyd.	Pollard.
Greer.	Wirtz.
Miller.	Witt.

Absent—Excused.

Bowers. Real.

The bill was read third time and passed finally, by the following vote:

Yeas—19.

Berkeley.	Reid.
Fairchild.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Moore.	Woodward.
Price.	

Nays—1.

Parr.

Present—not Voting.

Bailey.

Absent.

Bledsoe.	Neal.
Bowers.	Pollard.
Floyd.	Wirtz.
Greer.	Witt.
Miller.	

Absent—Excused.

Real.

On the motion of Senator Woodward the vote by which the bill was finally passed was reconsidered.

Senate Bill No. 16.

The Chair laid before the Senate, on the Calendar, the following bill:

S. B. No. 16, A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1927, and to be depos-

ited in the State Treasury; said appropriation being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1927; and declaring an emergency."

The bill was read second time and committee report adopted.

The bill was passed to engrossment.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16 was put on its third reading and final passage, by the following vote:

Yeas—23.

Bailey.	Parr.
Berkeley.	Price.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.
Moore.	

Absent.

Bledsoe.	Pollard.
Bowers.	Russek.
Miller.	Wirtz.
Neal.	

Absent—Excused.

Real.

The bill was read third time and passed finally, by the following vote:

Yeas—23.

Bailey.	Parr.
Berkeley.	Price.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.
Moore.	

Absent.

Bledsoe.	Miller.
Bowers.	Neal.

Pollard. Wirtz.
 Russek.

Absent—Excused.

Real.

Senate Bill No. 14.

Senate Bill No. 14 was finally passed by the following vote:

Yeas—22.

Berkeley.	Parr.
Fairchild.	Price.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.

Present—not Voting.

Bailey.

Absent.

Bledsoe.	Pollard.
Bowers.	Russek.
Miller.	Wirtz.
Neal.	

Absent—Excused.

Real.

Communication from the Board of Control.

The Chair laid before the Senate the following communication:

State Board of Control

Austin, Texas, May 19, 1927.

Hon. Barry Miller, President of the Senate.

My dear Governor:

This Board was waited upon recently by three representatives of the Colored Teachers State Educational Association, asking for the use of the Senate Chamber on the evening of Thanksgiving Day, next. These representatives were: T. T. Pollard, President of the Association; I. Q. Hurdle, Member of the Executive Committee, and T. R. Davis, President of Sam Houston College, here in Austin.

The Board decided, since the Senate is in session, that the matter should probably be referred to that body for decision; especially in view of the fact that there might be

another called session, or the Senate might have in mind some use of the Senate Chamber on this date.

Will you kindly advise me of the decision of the Senate, in order that I may notify this committee as to their request?

Sincerely yours,

H. H. Harrington, Chairman.

The communication was referred to Committee on State Affairs.

Simple Resolution No. 16.

Senator Bailey sent up the following resolution:

Whereas, the Senate of Texas has completed its calendar for the day, and weary with the work of the past week, is about to adjourn until Monday, and is desirous of being somewhat refreshed before so doing,

Therefore, Be It Resolved that Hon. Chas. K. Wolters, former member of the Bar of Gonzales County, Attorney of Gonzales County for many years, four years a member of the House of Representatives from Gonzales County, and at present Custodian of the Senate Chamber and Lecturer, be, and he is hereby invited to address the Senate for a few moments with "a few reminiscences of his own selection."

Bailey, Westbrook, Fairchild, Holbrook, Hall, Hardin, Stuart, Parr, Love.

The resolution was read and adopted.

Address by Judge C. K. Wolters.

Senator Bailey introduced Judge C. K. Wolters who briefly addressed the Senate.

Senate Concurrent Resolution No. 3.

Senator McFarlane sent up the following resolution:

Whereas, the House and the Senate engaged in a game of base ball, the funds derived from which have been given to the flood sufferers in Texas; and

Whereas, said base ball game was made possible by the generosity of Coach Billy Disch in lending base ball uniforms, gloves, bats etc., and the use of Clark Field;

Therefore, Be It Resolved by the Senate, the House concurring, that we express to Coach Billy Disch our sincere appreciation of his many kindnesses in furnishing the above equipment, etc., to make said ball game possible.

The resolution was read and adopted.

Adjournment.

On the motion of Senator Wood, the Senate at 2:55 adjourned until Monday morning at 10:00 o'clock a. m.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, May 19, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 12, A bill to be entitled "An Act amending the Local Road Law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surfaced roads in said county, and so as to make more ample provision for the removing and preventing of impediments on the public highways of Dallas County such as junk, or debris, tin cans, glass or other similar impediments; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 19, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 16, A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the General Revenue Fund not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1927, and to be deposited in the State Treasury; said appropriations being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for

the period up to and including August 31, 1927; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Statement of the Condition of the Available School Fund.

The total amount of money that was collected for the Available School Fund from September 1, 1925 to August 31, 1926 amounts to \$18,005,678.65. The amount that was transferred to the Text Book Fund and refunds on accrued interest on bonds, leases, etc., amounted to \$2,289,632.67; leaving a net balance of \$15,716,045.98. This money was collected from the following sources to-wit:

Occupation tax	
gross	\$ 1,581,320.83
Gasoline tax	1,330,135.51
Interest C. C. & D.	
Bonds	1,005,009.97
Comptrollers miscellaneous collections	2,285.98
Banking Department	500.00
Interest, State Deposits	61,953.14
Interest, Land sales	963,768.49
Commission of Labor	2,325.00
Interest, State bonds	87,605.00
Insurance Department	477,076.96
Interest, Railroad Bonds (T. & N. O.)	6,401.72
Transfers, General Revenue	12,487,296.05

Total	\$18,005,678.65
Less transfers to State Text Book Fund, accrued interest on bonds and refunds to leases	2,289,632.67

Total net receipts to Available School Fund, year ending August 31, 1926	\$15,716,045.98
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The estimated receipts for the available school fund for the next biennium, beginning September 1, 1927, and ending August 31, 1929, will be, in my judgment, \$41,310,317.45. To that should be added the amount of cash on hand as of September 1, 1927, which is \$1,542,474.28, making a grand total of

\$42,852,791.73. From that should be deducted the estimated amount to be transferred from the Available School Fund to the Free Text Book Fund to pay accrued interest on bonds and refunds to leases, etc., will probably amount to not to exceed \$3,500,000.00; leaving a net balance to be apportioned to the school children of this State of \$39,352,791.73.

The amount of cash on hand and the estimated receipts that will go to the credit of the Available School Fund for the next two years is, as follows:

Cash on hand as of September 1, 1927	\$ 1,542,474.28
Occupation taxes	3,162,641.66
Gasoline tax	7,960,229.15
Interest on C. C. & D. Bonds	2,010,019.94
Comptroller's miscellaneous collections	4,571.96
Interest, State deposits	123,906.28
Interest, Land sales	1,927,536.98
Commission of Labor	4,650.00
Interest, State Bonds	175,210.00
Insurance Department	954,153.92
Interest on Railroad Bonds	12,803.44
Ad valorem tax and poll taxes	24,974,592.10
Total	\$42,852,791.73
Less transfers to State Text Book Fund, for accrued interest on bonds and refunds to leases	3,500,000.00
Total net receipts for distribution	\$39,352,791.73

According to information received from the State Department of Education there are 1,349,000 scholastics in the State at this time. The State Superintendent of Public Instruction estimates that there will be 1,360,000 scholastics for the first year of the next biennium; and 1,370,000 for the second year of the biennium; which gives an average of 1,365,000 scholastics for the biennium. By dividing the number of scholastics in the net amount of available school fund for distribution, which amounts to \$39,352,791.73, will give an apportionment for the biennium of \$28.82, or an average of \$14.41 each year.

Without making an appropriation

from the General Revenue Fund of the State to supplement the available school fund the State Board of Education can apportion \$14.41 per capita for each of the next two years. If it should be the policy of the Legislature to make a \$15.00 apportionment possible it will be necessary to make an appropriation equal to \$.59 per year for the next two years, or a total of \$1.18 per capita for 1,365,000 scholastics, or a total of \$1,610,700.00. If this amount should be appropriated there would be available for distribution to the scholastics of the State \$15.00 each year for the next two years.

The figures I have used are furnished to me by Mr. Hardeman, the statistician for the Comptroller's Department. All of them are based upon the amounts that were received for the year ending August 31, 1926, save and except the amount to be received for the next two years from the gasoline tax. The first year the rate will be three cents per gallon, of which the Available School Fund gets one-fourth part thereof; and the next year it will be two cents, per gallon. A careful check of the records of the Comptroller's office will disclose that the amount of increased taxes to be received from this source, based upon the increased rate and estimated increased consumption is actually below what will really be received. The amount of money paid to the Available School Fund during the months of September, October, November and December of 1926, as compared with the amount paid for the same months in 1925, and all previous years, more than justifies the increase estimated herein. The receipts to this fund from all other sources are based upon the amount received for the year ending August 31, 1926. Everyone knows that the assessed value on property in Texas has an average increase of about sixty-two million dollars per annum. No increased valuation is taken into account in the above figures and for this reason it is reasonable to suppose that there will be more money coming into this fund than we have estimated herein.

The amount deducted for Free Text books, etc., for the year ending August 31, 1926 was \$2,289,632.67. I have been in conference with our Governor and he advised me that this item will be reduced not to ex-

ceed three and one-half million dollars for the next two years. I have an abiding faith in his judgment as to the amount necessary for this item and have used his figures with reference to this item.

The State Superintendent of Public Instruction, Mr. Marrs, will, as he has always done, take issue with us as to the correctness of these figures. I recall in 1923 Mr. Marrs contended that to pay the \$14.00 apportionment it would be necessary to appropriate six million dollars to supplement the Available School Fund for the biennium.

The Finance Committee of the Senate contended that it would take less than three million dollars to make possible this apportionment. The House and Senate finally passed a four million dollars appropriation for this purpose. The apportionment was paid and at the end of the biennium there was more than two million dollars left to the credit of this fund.

Last September Mr. Marrs contended that it was necessary to appropriate three and one-half million dollars for the current year in order to make an apportionment of \$14.00 might be made possible. Some of us took issue with him but the Legislature made the appropriation of three and one-half million dollars. One-third of this amount has never been transferred to the credit of the available school fund and will not be transferred, because of provision of the Bill which prohibits its being transferred.

The failure to transfer this money was brought about by reason of the passage of the gasoline tax, which increased the revenue for the Available School Fund in an amount approximately the same as that which will not be transferred. Notwithstanding this fact we have a balance on hand at the end of this fiscal year of \$1,500,000.00 and will have a sufficient fund to the credit of the Free Text Book Fund to take care of all purchases of text books until the beginning of the biennium.

NINTH DAY.

Senate Chamber,

Austin, Texas,

Monday, May 23, 1927.

The Senate met at 10:00 o'clock

a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Fairchild.	Witt.
Reid.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

The Chair announced the appointment of Pete Campbell of Carthage, Texas, as a Page.

Bills and Resolutions.

By Senator Stuart:

S. B. No. 17, A bill to be entitled "An Act amending Articles 6663 to 6674 both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Berkeley and Real:

S. B. No. 18, A bill to be entitled "An Act to provide for the eradication of scabies among sheep and cattle, to provide adequate quarantine and sanitary measures, to provide for the inspection and dipping, and certification of said livestock, and to provide adequate penalties for violation